

Luann G. Welmer, Clerk-Treasurer

### CITY COUNCIL MEETING CITY HALL TUESDAY, JUNE 17, 2014 6:00 O'CLOCK P.M.

### I. Meeting Called to Order

- A. Opening Prayer
- B. Pledge of Allegiance
- C. Roll Call
- D. Acceptance of Minutes

### II. Unfinished Business Requiring Council Action

- A. Reading of a Resolution entitled "RESOLUTION NO.\_\_\_\_\_, 2014, A RESOLUTION ADOPTING A FISCAL PLAN FOR PROPERTY TO BE ANNEXED TO THE CITY OF COLUMBUS." (Redwood Acquisition Annexation) Jeff Bergman
- B. Second Reading of an Ordinance entitled "ORDINANCE NO.\_\_\_\_, 2014, AN ORDINANCE ANNEXING AND DECLARING CERTAIN TERRITORY TO BE A PART OF THE CITY OF COLUMBUS, INDIANA." (Redwood Acquisition Annexation) Jeff Bergman
- C. Second Reading of an Ordinance entitled "ORDINANCE NO.\_\_\_\_,
  2014, AN ORDINANCE AMENDING THE OFFICIAL ZONING
  MAP OF COLUMBUS, INDIANA, REZONING THE SUBJECT
  PROPERTY FROM "AP" (AGRICULTURE: PREFERRED) TO
  "RMc" (RESIDENTIAL: MULTI-FAMILY WITH
  COMMITMENTS)." (Redwood Acquisition Rezoning) Jeff
  Bergman
- D. Second Reading of an Ordinance entitled "ORDINANCE NO.\_\_\_\_, 2014, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF COLUMBUS, INDIANA, REZONING THE SUBJECT PROPERTY BY AMENDING THE ZONING COMMITMENTS AT A LOCATION DESIGNATED AS "RMc" (RESIDENTIAL: MULTI-FAMILY WITH COMMITMENTS)." (Gateway Apartments Rezoning) Jeff Bergman

- E. Second Reading of an Ordinance entitled "ORDINANCE NO.\_\_\_\_, 2014, AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF COLUMBUS, INDIANA, REZONING THE SUBJECT PROPERTY FROM "I-2" (INDUSTRIAL: GENERAL) TO "CR" (COMMERCIAL: REGIONAL CENTER)." (Kroger Rezoning) Jeff Bergman
- F. Second Reading and Public Hearing of an Ordinance entitled "ORDINANCE NO.\_\_\_\_\_, 2014, AN ORDINANCE PROVIDING FOR THE ADDITIONAL APPROPRIATION OF FUNDS FOR THE BUDGET YEAR 2014." Matt Caldwell

### III. New Business Requiring Council Action

- A. First Reading of an Ordinance entitled "ORDINANCE NO.\_\_\_\_, 2014, AN ORDINANCE ANNEXING AND DECLARING CERTAIN TERRITORY TO BE A PART OF THE CITY OF COLUMBUS, INDIANA." (Cummins Walesboro Annexation) Jeff Bergman
- B. First Reading of an Ordinance entitled "ORDINANCE NO.\_\_\_\_,
  2014, AN ORDINANCE AMENDING THE OFFICIAL ZONING
  MAP OF COLUMBUS, INDIANA, REZONING THE SUBJECT
  PROPERTY FROM "AP" (AGRICULTURE: PREFERRED)
  AND "I-2" (INDUSTRIAL: GENERAL) TO "I-3"
  (INDUSTRIAL: HEAVY)." (Cummins Walesboro Rezoning)
  Jeff Bergman

### **IV. Other Business**

- A. Standing Committee and Liaison Reports
- B. Discussion Items:
  - 1.) State Street Corridor Mayor Brown
  - 2.) CRC Pass Through Mayor Brown
  - 3.) Unsafe Building Law and Additional Appropriation Mayor Brown
- C. The next regular meeting is scheduled for Tuesday, July 1, 2014, 6:00 p.m. in City Hall.
- D. Adjournment

# City of Columbus – Bartholomew County Planning Department

123 Washington Street Columbus, Indiana 47201 Phone: (812) 376-2550 Fax: (812) 376-2643





### MEMORANDUM

TO:

Columbus City Council Members

FROM:

Jeff Bergman, AICP

on behalf of the Columbus Plan Commission

DATE:

June 10, 2014

RE:

ANX-14-03 (Cummins Walesboro Annexation)

RZ-14-06 (Cummins Walesboro Rezoning)

At its May 14, 2014 meeting, the Columbus Plan Commission reviewed the above referenced applications (an annexation and a rezoning request involving some of the same property) and forwarded both to the City Council with favorable recommendations. The Plan Commission vote on each request was 10 in favor and 0 opposed.

While gaining the approvals for the construction of a new warehouse on County Road 450 South east of I-65 Cummins identified two small inconsistencies with their property in the area. These annexation and rezoning requests are intended to address those inconsistencies.

First, Cummins seeks to rezone a 1.6 acre area from I-2 (Industrial: General) to I-3 (Industrial: Heavy) for consistency with the I-3 zoning already present on the remaining 33.2 acres in that same parcel.

Second, Cummins seeks to incorporate with the rest of their property an area of 5,227 square feet for which the owner was previously unknown. Cummins is now recognized as the owner of the property. This area is proposed to be annexed to the City of Columbus and rezoned to I-3 (Industrial: Heavy) for the purpose of being combined with an adjacent +/-40 acre Cummins parcel that is presently annexed and zoned I-3. The area in question is currently zoned AP (Agriculture: Preferred).

No development of these properties, other than that the warehouse facility currently under construction is planned. These annexation and rezoning requests are considered to be a "clean-up" activity resulting from realizations during warehouse approval process.

The annexation request qualifies as a "voluntary annexation" and is subject to the requirements of IC 36-4-3-5.1. Based on the requirements of the Indiana Code for the annexation request the schedule for the consideration of both of these items will be as follows:

- 1. Annexation Ordinance Public Hearing / Rezoning First Reading: June 17, 2014 Council Meeting
- Adoption of Annexation Fiscal Plan Resolution and Ordinance / Rezoning Second Reading: July 1, 2014 Council Meeting
- 30-day Annexation Waiting Period Ends on approximately August 3, 2014

Three area residents participated in the Plan Commission public hearings on these requests. They stated their general dislike of Cummins and expressed concerns about the wetland area that Cummins was required to construct as part of the warehouse project. They also indicated that no additional agricultural land should be converted for industrial purposes. The Plan Commission determined that the proposed annexation and rezoning would have no material effect on these nearby residents. They also asked the Cummins representative who was present to make himself available to the neighbors for a discussion of their concerns about the warehouse project.

These annexation and rezoning requests are two completely separate actions and should be voted on as such by the City Council. The supporting materials for these requests have been combined for the sake of efficiency. The following items of information are attached to this memo for your consideration:

- 1. the proposed ordinance approving the annexation,
- 2. the annexation fiscal plan,
- 3. the resolution certifying the action of the Plan Commission on the annexation,
- 4. the proposed ordinance approving the rezoning,
- 5. the resolution certifying the action of the Plan Commission on the rezoning,
- 6. a copy of the Planning Department staff report provided for the May 14 Plan Commission meeting,
- 7. a location map showing the site in relation to the current City limits and surrounding zoning, and
- 8. an exhibit provided by the applicant.

Please feel free to contact me if you have any questions regarding this matter.

ORDIN	ANCE	NO.:	, 2014

# AN ORDINANCE ANNEXING AND DECLARING CERTAIN TERRITORY TO BE A PART OF THE CITY OF COLUMBUS, INDIANA

# To be known as the: Cummins Walesboro Annexation Plan Commission Case No.: ANX-14-03

WHEREAS, a petition has been filed by Cummins Engine Company, Inc. for the annexation of the property described by Section 1 below; and

WHEREAS, the petitioners represent 100% of the owners of the property subject to the request, which lies outside of, but adequately contiguous to the City of Columbus; and

WHEREAS, the Columbus Plan Commission has, on May 14, 2014, reviewed the request for annexation and forwarded a favorable recommendation to the Common Council; and

**WHEREAS**, the Common Council of the City of Columbus, Indiana has paid reasonable regard to the requirements of the Indiana Code and the adopted annexation policies of the City of Columbus.

**NOW THEREFORE BE IT ORDAINED** by the Common Council of the City of Columbus, Indiana, as follows:

### **SECTION 1: Property Annexed**

The following described property, including a total of +/- 5,227 square feet (0.12 acres), is annexed to and declared to be part of the City of Columbus, Indiana:

A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 8 NORTH, RANGE 5 EAST, INTENDED TO BE THAT LAND DESCRIBED IN INST. #95-4372 IN THE OFFICE OF THE RECORDER OF BARTHOLOMEW COUNTY, INDIANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14, MARKED BY A LIME STONE (FOUND); THENCE SOUTH 88°56'17" WEST ALONG THE SOUTH LINE OF SAID QUARTER-QUARTER A DISTANCE OF 475.00 FEET TO THE SOUTHWEST CORNER OF "McGUIRE" (INST.#2002-7657) AND THE TRUE POINT OF BEGINNING MARKED BY A 5/8" REBAR (FOUND); THENCE CONTINUING SOUTH 88°56'17" WEST ALONG SAID SOUTH LINE A DISTANCE OF 95.54 FEET TO A CORNER OF "ADMINISTRATIVE LOT 2" IN "CUMMINS INC. - WALESBORO ADMINISTRATIVE SUBDIVISION" (P.B. "R", 315B); THENCE NORTH 46°07'39" EAST ALONG A LINE OF SAID LOT A DISTANCE OF 158.62 FEET TO A CORNER OF SAID LOT AND THE WEST LINE OF "McGUIRE"; THENCE SOUTH 09°52'27" WEST ALONG THE WEST LINE OF McGUIRE A DISTANCE OF 296.61 FEET TO THE POINT OF BEGINNING, CONTAINING 0.12 ACRES, MORE OR LESS, AND SUBJECT TO A LEGAL RIGHTS OF WAY AND EASEMENTS.

### **SECTION 2: Common Council District**

Upon the effective date of this ordinance the property described by Section 1 shall be included in the 2nd Councilmanic District of the City of Columbus, Indiana. The property may, at some future time, be placed in a different Councilmanic District or Districts in accordance with redistricting completed in accordance with Indiana law.

SECTION 3:	Repea	ler
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All ordinances or parts thereof in conflict with this ordinance shall be repealed to the extent of such conflict.

### **SECTION 4: Severability**

If any provision, or the application of any provision, of this ordinance is held unconstitutional or invalid the remainder of the ordinance, or the application of such provision to other circumstances, shall be unaffected.

### **SECTION 5: Effective Date**

This ordinance shall be effective after publication of its	s adoption, as provided in	Indiana law.
ADOPTED, by the Common Council of the Cit, 2014, at o'clockm.	y of Columbus, Indiana, t , by a vote of a	his day of ayes andnays
ATTEST:	Presiding Officer	
Luann Welmer Clerk-Treasurer of the City of Columbus, Indiana		
Presented to me, the Mayor of Columbus, Indiana, the o'clockm.	day of	, 2014, at
	Kristen Brown Mayor of the City of Colu	imbus, Indiana

### ANNEXATION FISCAL PLAN

For Plan Commission Case No.: ANX-14-03
To be known as: "Cummins Walesboro"

### Introduction:

This Annexation Fiscal Plan, which is required by Indiana annexation law (IC 36-4-3-3.1), summarizes how the subject property meets the requirements for annexation. The Annexation Fiscal Plan also provides basic data regarding the area and describes the manner in which City of Columbus services will be extended to the subject property upon annexation.

This Annexation Fiscal Plan recognizes that the City of Columbus is a complex combination of land uses and developments, which together provide a complete community. Each land use (residential, commercial, industrial, etc.) directly results in specific receipts and costs for the City. These receipts and costs are typically calculated based on number of residents, land area, etc. However, each land use also indirectly supports the development of complimentarily land uses, which also affect receipts and costs. For example, residential development promotes commercial development; and job growth promotes home construction. Therefore, the assignment of specific costs and receipts to specific developments are conceptual and intended for estimating purposes only.

### **Basic Property Information:**

Following is a summary of subject property physical data:

<u>Location:</u> Approximately 1250 feet south of County Road 450 South and 440 feet west of County Road 150 West (Wayne Township).

Size: +/- 0.12 Acres (0.0001875 square miles)

Zoning (Existing): AP (Agriculture: Preferred)

Zoning (Proposed): 13 (Industrial: Heavy)

Land Use: Current - Agriculture / Projected - Agriculture

<u>Population Impact:</u> In 2010 Columbus contained 1,602.4 persons per square mile. The addition of 0.0001875 square miles will be a factor in the addition of 0.3 persons to the City.

City Council District: The property will be assigned initially to City Council District #2.

### Legal Requirements & Columbus Annexation Policy:

Indiana law (IC 36-4-3-1.5) requires that, to be eligible for annexation, the external boundary of the subject property must be at least 1/8 (12.5%) contiguous with the boundary of the City (the property involved in this annexation is 43.7% contiguous with the boundary of the City).

Indiana law further defines three types of annexations: involuntary, voluntary, and super-voluntary. This annexation qualifies as a super-voluntary annexation (IC 36-4-3-5.1), in which 100% of the owners of land in the territory sought to be annexed have signed the annexation petition.

In 1990 the Columbus City Council adopted the following policies for annexation:

- 1. Subdivisions which are contiguous to the City should be a part of the City.
- 2. Land contiguous to the City zoned for commercial or industrial purposes should be annexed to the City before it is developed.
- Land contiguous to the City used for commercial or industrial purposes should be a part of the City.

- 4. Undeveloped land required to complement the annexation of developed land and which helps provided the ability to manage growth should be a part of the City.
- 5. Neighborhoods which are socially, culturally, and economically tied to the City should be a part of the City.
- 6. The pattern of City boundaries should promote efficient provision of services by the City, the County, and other agencies.
- 7. Contiguous lands needed for orderly growth and implementation of the City's Comprehensive Plan should be a part of the City.
- 8. Contiguous lands which are likely to be developed in the relatively near future should be a part of the City.
- 9. Contiguous lands having the potential for health or safety problems or environmental degradation should be a part of the City and provided with City services.
- 10. Contiguous properties which, if annexed, would serve to equalize the tax burden for City residents should be a part of the City.

### Property Tax Receipts Estimate & Methodology:

The annexation of the subject property will result in receipts to the City of Columbus through a combination of property taxes; state fund distributions, user fees, and other similar sources. This Fiscal Plan recognizes the presence of all income sources, as well as the complexity of calculating specific receipts. An estimate of property tax receipts is provided by comparing the anticipated development on the subject property with similar development within the City of Columbus. It is recognized that the estimated tax receipts represents a broadening of the City's tax base and not a direct increase in revenue due to the maximum tax levy imposed by the State of Indiana and other related factors. The estimated tax receipts are intended to provide basic information by which the general fiscal impact of the proposed annexation may be evaluated. The current property tax information for the subject property is summarized below:

Current Net Assessed Property Value (NAV): \$200

Current City Tax Rate: \$1.1311 per \$100 of NAV.

<u>City of Columbus Tax Receipts in Year 1:</u> The City of Columbus receipts for the first year after annexation based on the current land use will be \$2.26.

The estimated tax receipts at build-out are calculated by comparing the anticipated development on the subject property with the NAV per acre of similar existing locations. Adjacent to the subject property is an agriculturally-used tract, which is zoned I3 (Industrial: Heavy). The applicant intends to combine the subject property with this adjacent tract and, for the foreseeable future, continue using the joined properties for agricultural purposes. The adjacent tract has an NAV of \$1,587 per acre. The estimated property tax considerations at build-out are summarized below:

Build-out Net Assessed Property Value (NAV): \$190

Assumed Future City Tax Rate: \$1.1311 per \$100 of NAV.

City of Columbus Tax Receipts at Build-out: \$2.15

### Cost of Services Methodology:

The capital services within the annexation area were evaluated to determine what, if any, new infrastructure is needed to provide services to the subject property in the same manner as those services are provided to other similar areas within the City's corporate boundaries. No capital expenditures were identified as necessary for this annexation. The subject property is currently provided with the same capital services as other agricultural uses within the City of Columbus. The installation of streets, utilities, and other infrastructure will be completed by the developer at the time the property is converted from agricultural to industrial use, consistent with policies of the City.

Non-capital services, which are delivered to the subject property without requiring installation of capital infrastructure, were assessed through consultation with the Department Head responsible for each service. Some services are already available to the subject property, and others have yet to be initiated. In each case, the services will be provided to the subject property immediately upon annexation in a manner equivalent in standard and scope to the services being provided to other areas within the City's corporate boundaries.

### **Provision of Services:**

The descriptions of the City services to be provided and an estimate of cost (as calculated by each Department Head) are provided below in the form of a summary table. Following is a narrative for each service type.

1. <u>Police:</u> The services provided by the City of Columbus Police Department include the prevention of crime, the detection and apprehension of criminal offenders, assistance for those who are in danger of physical harm, resolution of conflicts, and the creation and maintenance of a feeling of security in the community. The Police Department is also involved in legal work and the protection of constitutional rights. Lastly, the Police Department performs traffic control, promotes civil order, and provides technical assistance to the public in the area of crime prevention.

No comment has been provided on this annexation indicating no cost for the extension of non-capital services to the subject property.

2. <u>Fire:</u> The Fire Department services include fire protection and medical emergency assistance. The services also include fire suppression, emergency response, fire prevention, fire inspection, and public education in the area of fire safety.

No comment has been provided on this annexation indicating no cost for the extension of non-capital services to the subject property.

3. <u>Sanitation / Streets / Public Transportation:</u> The City Services Department provides refuse collection, compost, and brush clipping services. The Department also provides for the maintenance of streets at a level that ensures transportation safety and efficiency. The services provided include snow removal, street cleaning, and general maintenance. This Department provides for public transportation through the ColumBUS system. Finally, the Department provides for the maintenance of storm water drainage facilities.

No comment has been provided on this annexation indicating no cost for the extension of non-capital services to the subject property.

4. <u>Sanitary Sewer / Public Water:</u> Columbus City Utilities provides sanitary sewer and public water services, including the installation and maintenance of treatment facilities and service mains.

City Utilities applies a "four year revenue" rule when deciding how much ratepayer investment to make in any water or sewer extension. The Department estimates the gross revenue that would result from any proposed extension and will invest up to that amount in the extension of services. The party requesting the extension may make up the difference between the investment and the actual cost of the facilities. However, if the Utility Service Board determines that it is in the overall good for the City of Columbus to extend services, then the "four year rule" is set aside. These projects typically include significant job creation or other large-scale economic development benefits to the community.

Assuming the subject property will be included in with the development of the larger Cummins property to the north and will not require separate service, water and sewer are available on the north side of County Road 450 South and the annexation will have no financial impact on Columbus City Utilities.

Parks & Recreation: The Parks
Department provides for the
establishment, programming, and
maintenance of park facilities
throughout the City. The
Department also provides for the
scheduling and facilitation of
recreational activities and other
related events.

No comment has been provided on this annexation indicating no cost for the extension of noncapital services to the subject property.

 Animal Care Services: The Columbus Animal Care Department provides care, shelter, and the humane euthanization of domestic animals. They also provide regular patrol, complaint investigation, and animal emergency services.

> No comment has been provided on this annexation indicating no cost for the extension of noncapital services to the subject property.

Service Type	Capital Costs	Annual Non- Capital Costs
Police	\$0	\$0
Fire / Medic	\$0	\$0
Sanitation, Streets, & Public Transit	\$0	\$0
Sanitary Sewer & Public Water	\$0	\$0
Parks & Recreation	\$0	\$0
Animal Care & Control	\$0	\$0
Administrative Services	\$0	\$0

7. <u>Administrative Services:</u> The Administrative functions of the City include those provided by the Planning Department, Airport Board, Department of Community Development, City Engineer, Human Rights Commission, Mayor's Office, Personnel Department, and City Attorney. These departments provide for the general operation and organization of City government.

These Administrative Departments offered the following comments: (1) The annexation will not cause undue burden for engineering services, (2) no additional Community Development services are anticipated as a result of the annexation, and (3) the Redevelopment Commission has no objection or concerns regarding the proposed annexation.

8. <u>CAMPO (Columbus Area Metropolitan Planning Organization):</u> CAMPO is responsible for the continuing, cooperative and comprehensive transportation planning process for the Columbus Metropolitan Planning Area.

No comment has been provided on this annexation indicating no cost for the extension of non-capital services to the subject property.

### Methods of Financing Services & Timing:

It is anticipated that the appropriate non-capital City services will be provided within existing and future city budgets, and that there will be little or no additional cost to the city as a result of the annexation. All capital and non-capital services are available to the subject property immediately in the same manner in which they are provided to other, similar areas within the City of Columbus.

### **RESOLUTION: ANX-14-03**

### of the City of Columbus, Indiana Plan Commission

# regarding Case number ANX-14-03 (Cummins Walesboro), a proposal to annex +/-5,227 square feet (0.12 acres) to the City of Columbus

WHEREAS, the Plan Commission has received the application referenced above from Cummins Engine Company, Inc.; and

WHEREAS, the applicant(s) represent 100% of the property owners involved in the annexation request, which meets the requirements of IC 36-4-3-5.1 for voluntary annexation, and

WHEREAS, the Plan Commission did, on May 14, 2014, review the annexation request; and

WHEREAS, the Plan Commission did pay reasonable regard to the requirements of the Indiana Code and the adopted annexation policies of the City of Columbus; and

WHEREAS, the Plan Commission recognizes that its action on this matter represents a recommendation to the Common Council of the City of Columbus, Indiana, which will be responsible for final action on the request.

**NOW THEREFORE BE IT RESOLVED**, by the Plan Commission of the City of Columbus, Indiana, as follows:

The annexation of the property subject to the application (approximately 5,227 square feet located generally 1,250 feet south of County Road 450 South and 440 feet west of County Road 150 West) is forwarded to the Common Council with a favorable recommendation.

ADOPTED BY THE COLUMBUS, INDIANA PLAN COMMISSION THIS 14<sup>th</sup> DAY OF MAY 2014 BY A VOTE OF 10 IN FAVOR AND 0 OPPOSED.

ATTEST:	Roger Lang, President
David L. Fisher, Secretary	

0	R	DI	NA	NC	E	NO.:	, 2014

# AN ORDINANCE AMENDING THE OFFICIAL ZONING MAP OF COLUMBUS, INDIANA, REZONING THE SUBJECT PROPERTY FROM "AP" (AGRICULTURE: PREFERRED) AND "I-2" (INDUSTRIAL: GENERAL) TO "I-3" (INDUSTRIAL: HEAVY)

To be known as the: Cummins Walesboro Rezoning Plan Commission Case No.: RZ-14-06

WHEREAS, this rezoning was requested by Cummins Engine Company, Inc. and includes the consent of all owners of the subject property; and

**WHEREAS,** the Columbus Plan Commission did, on May 14, 2014, hold a legally advertised public hearing on said request and has certified a favorable recommendation to the Common Council; and

WHEREAS, the Common Council of the City of Columbus, Indiana has considered the criteria contained in Section 12.6(G) of the Columbus & Bartholomew County Zoning Ordinance.

**NOW THEREFORE BE IT ORDAINED** by the Common Council of the City of Columbus, Indiana, as follows:

### SECTION 1: Official Zoning Map

a) The zoning classification of the following described real estate, which is in the zoning jurisdiction of the City of Columbus, Indiana, shall be changed from "AP" (Agriculture: Preferred) to "I-3" (Industrial: Heavy):

A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 14, TOWNSHIP 8 NORTH, RANGE 5 EAST, INTENDED TO BE THAT LAND DESCRIBED IN INST. #95-4372 IN THE OFFICE OF THE RECORDER OF BARTHOLOMEW COUNTY, INDIANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 14, MARKED BY A LIME STONE (FOUND); THENCE SOUTH 88°56'17" WEST ALONG THE SOUTH LINE OF SAID QUARTER-QUARTER A DISTANCE OF 475.00 FEET TO THE SOUTHWEST CORNER OF "McGUIRE" (INST.#2002-7657) AND THE TRUE POINT OF BEGINNING MARKED BY A 5/8" REBAR (FOUND); THENCE CONTINUING SOUTH 88°56'17" WEST ALONG SAID SOUTH LINE A DISTANCE OF 95.54 FEET TO A CORNER OF "ADMINISTRATIVE LOT 2" IN "CUMMINS INC. - WALESBORO ADMINISTRATIVE SUBDIVISION" (P.B. "R", 315B); THENCE NORTH 46°07'39" EAST ALONG A LINE OF SAID LOT A DISTANCE OF 158.62 FEET TO A CORNER OF SAID LOT AND THE WEST LINE OF "McGUIRE"; THENCE SOUTH 09°52'27" WEST ALONG THE WEST LINE OF McGUIRE A DISTANCE OF 296.61 FEET TO THE POINT OF BEGINNING, CONTAINING 0.12 ACRES, MORE OR LESS, AND SUBJECT TO A LEGAL RIGHTS OF WAY AND EASEMENTS.

b) The zoning classification of the following described real estate, which is in the zoning jurisdiction of the City of Columbus, Indiana, shall be changed from "I-2" (Industrial: General) to "I-3" (Industrial: Heavy):

A PART OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SECTION 14, TOWNSHIP 8 NORTH, RANGE 5 EAST, ALSO BEING A PART OF

LOT ADMINISTRATIVE LOT 1 IN "CUMMINS, INC. - WALESBORO ADMINISTRATIVE SUBDIVISION" AS RECORDED IN PLAT BOOK "R", PAGE 315B IN THE OFFICE OF THE RECORDER OF BARTHOLOMEW COUNTY, INDIANA, AND MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT A 1/2" REBAR (FOUND) AT THE NORTHEAST CORNER OF THE EAST HALF OF THE NORTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 14; THENCE SOUTH 00°58'31" WEST ALONG THE EAST LINE OF SAID HALF-QUARTER-QUARTER A DISTANCE OF 1335.64 FEET TO THE SOUTHEAST CORNER OF SAID HALF-QUARTER-QUARTER MARKED BY A STONE (FOUND); THENCE SOUTH 89°03'05 WEST ALONG THE SOUTH LINE OF "ADMINISTRATIVE LOT 1" IN "CUMMINS INC. - WALESBORO ADMINISTRATIVE SUBDIVISION" (P.B. "R", 315B) A DISTANCE OF 30.42 FEET TO THE SOUTHWEST CORNER OF SAID LOT MARKED BY A CAPPED REBAR (FOUND); THENCE NORTH 00°54'24" WEST ALONG THE WEST LINE OF "ADMINISTRATIVE LOT 1" IN "CUMMINS, INC. - WALESBORO ADMINISTRATIVE SUBDIVISION" (P.B. "R", PG. 315B) A DISTANCE OF 1334.62 FEET TO THE NORTH LINE OF SAID HALF-QUARTER-QUARTER; THENCE NORTH 88°50'39" EAST ALONG THE NORTH LINE OF SAID HALF-QUARTER-QUARTER-QUARTER A DISTANCE OF 74.28 FEET TO THE POINT OF BEGINNING, CONTAINING 1.60 ACRES, MORE OR LESS, AND SUBJECT TO A LEGAL RIGHTS OF WAY AND EASEMENTS.

### SECTION 2: Commitment(s)

No commitments are attached to this rezoning.

Clerk-Treasurer of the City of Columbus, Indiana

### **SECTION 3: Repealer**

All ordinances or parts thereof in conflict with this ordinance shall be repealed to the extent of such conflict.

### **SECTION 4: Severability**

If any provision, or the application of any provision, of this ordinance is held unconstitutional or invalid the remainder of the ordinance, or the application of such provision to other circumstances, shall be unaffected.

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### **SECTION 5: Effective Date**

	erty to the City of Columbus is filed and recorded.
	the City of Columbus, Indiana, this day ofm., by a vote of ayes andnay
	Presiding Officer
ATTEST:	
Luann Welmer	

o'clockm.	diana, the day of, 2014 at
	Kristen Brown
	Mayor of the City of Columbus, Indiana

**RESOLUTION: RZ-14-06** 

### of the City of Columbus, Indiana Plan Commission

regarding
Case number RZ-14-06
(Cummins Walesboro Rezoning),
a proposal to rezone +/-1.72 acres from
AP (Agriculture: Preferred) and I-2 (Industrial: General)
to I-3 (Industrial: Heavy)

WHEREAS, the Plan Commission has received the application referenced above from Cummins Engine Company, Inc.; and

WHEREAS, the applicant(s) represent 100% of the property owners involved in the rezoning request, which meets the requirements of IC 36-7-4-602(c); and

**WHEREAS**, the Plan Commission did, on May 14, 2014, hold a public hearing consistent with the applicable requirements of Indiana law, the Columbus & Bartholomew County Zoning Ordinance, and the Plan Commission Rules of Procedure; and

WHEREAS, the Plan Commission did pay reasonable regard to the criteria contained in Section 12.6(G) of the Columbus & Bartholomew County Zoning Ordinance; and

WHEREAS, the Plan Commission recognizes that its action on this matter represents a recommendation to the Common Council of the City of Columbus, Indiana, which will be responsible for final action on the request.

**NOW THEREFORE BE IT RESOLVED**, by the Plan Commission of the City of Columbus, Indiana, as follows:

- The rezoning of the property subject to the application (two separate but related parcels of 1.60 and 0.12 acres located south of County Road 450 South, west of County Road 150 West) is forwarded to the Common Council with a favorable recommendation.
- This resolution shall serve as the certification required for such ordinance amendments (rezonings) by IC 36-7-4-605.

ADOPTED BY THE COLUMBUS, INDIANA PLAN COMMISSION THIS 14<sup>th</sup> DAY OF MAY 2014 BY A VOTE OF 10 IN FAVOR AND 0 OPPOSED.

ATTEST:	Roger Lang, President	
David L. Fisher, Secretary		

123 Washington Street Columbus, Indiana 47201 Phone: (812) 376-2550 Fax: (812) 376-2643





### STAFF REPORT

# CITY OF COLUMBUS PLAN COMMISSION (May 14, 2014 Meeting)

**Docket No. / Project Title:** 

ANX-14-03 / RZ-14-06 (Cummins Walesboro)

Staff:

**Emilie Pinkston** 

Applicant:

Cummins, Inc.

**Annexation and Rezoning:** 

**Property Size:** 

5,227 Square Feet

**Current Zoning:** 

AP (Agriculture: Preferred)

Proposed Zoning:

13 (Industrial: Heavy)

Location:

1250 feet south of 450 S and 440 feet west of 150 W, in Wayne Township

Rezoning:

**Property Size:** 

1.60 Acres

**Current Zoning:** 

12 (Industrial: General)

**Proposed Zoning:** 

13 (Industrial: Heavy)

Location:

Southwest corner of the intersection of 175 W and 450 S, in the City of

Columbus

### **Background Summary:**

The applicant has indicated that the purpose of the proposed annexation and re-zoning is twofold: (1) the applicant wishes to combine a small, unbuildable parcel, which is located outside of the Columbus city limits, with a larger, adjacent parcel that is located within the Columbus city limits. In order to accomplish this, the subject property must be annexed into the Columbus corporate boundaries, and for consistency, the applicant is requesting to rezone the subject property from AP (Agriculture: Preferred) to I3 (Industrial: Heavy) in order to match the zoning of the larger parcel. And, (2) the applicant wishes to rezone the western 1.6 acres of a lot that is the future home of the Cummins Southern Indiana Logistics Center from I2 (Industrial: General) to I3 (Industrial: Heavy) in order to match the zoning of the remainder of the lot. The subject parcels are within close proximity; hence, the rezoning requests have been combined into a single rezoning proposal.

### **Key Issue Summary:**

The following key issue(s) should be resolved through the consideration of this application:

- 1. Is the 5,227 square foot parcel a logical and appropriate addition to the City of Columbus?
- 2. Is the request to rezone the two subject areas to I3 (Industrial: Heavy) in order to match the zoning of the larger parcels of which they are currently a part or proposed to be a part a sound and appropriate request?

### Preliminary Staff Recommendation (Annexation):

Favorable recommendation to the City Council. The subject property is 43.7% contiguous with the corporate boundaries and represents a logical addition to the City of Columbus. The annexation of this small parcel will allow Cummins, Inc, the property owner, to combine it with a larger, adjacent parcel that is already located within the Columbus corporate boundaries. The addition of this parcel is very unlikely to result in a larger or more intense industrial development than what would otherwise be allowed on the existing, larger parcel.

### Preliminary Staff Recommendation (Re-zoning):

Favorable recommendation to the City Council consistent with the following condition: The petitioner shall complete an administrative subdivision to combine the subject 5,227 square foot parcel with the larger, adjacent parcel to the northwest in order to comply with the minimum lot size of 1 acre established for the I3 (Industrial: Heavy) zoning district.

### **Plan Commission Options:**

Annexation and re-zoning are two separate requests and should be decided separately. In reviewing requests for <u>annexation & re-zoning</u> the Plan Commission may (1) forward a favorable recommendation on both or either to the City Council, (2) forward an unfavorable recommendation on both or either to the City Council, (3) forward both or either to City Council with no recommendation, or (4) continue the review to the next Plan Commission meeting. The Plan Commission may recommend that conditions or commitments be attached to the <u>re-zoning</u> request. The City Council makes all final decisions regarding <u>annexation & re-zoning</u> applications.

### Considerations / Decision Criteria (Annexation):

Indiana law requires that, to be eligible for annexation, the external boundary of the area must be at least 12.5% contiguous with the boundary of the City (the property involved in this annexation is 43.7% contiguous with the boundary of the City). In 1990 the City Council adopted the following policies for annexation:

- 1. Subdivisions which are contiguous to the City should be a part of the City.
- Land contiguous to the City zoned for commercial or industrial purposes should be annexed to the City before it is developed.
- 3. Land contiguous to the City used for commercial or industrial purposes should be a part of the City.
- 4. Undeveloped land required to complement the annexation of developed land and which helps provided the ability to manage growth should be a part of the City.
- 5. Neighborhoods which are socially, culturally, and economically tied to the City should be a part of the City.
- 6. The pattern of City boundaries should promote efficient provision of services by the City, the County, and other agencies.
- 7. Contiguous lands needed for orderly growth and implementation of the City's Comprehensive Plan should be a part of the City.
- 8. Contiguous lands which are likely to be developed in the relatively near future should be a part of the City.
- 9. Contiguous lands having the potential for health or safety problems or environmental degradation should be a part of the City and provided with City services.
- 10. Contiguous properties which, if annexed, would serve to equalize the tax burden for City residents should be a part of the City.

### **Decision Criteria (Re-Zoning):**

Indiana law and the Columbus Zoning Ordinance require that the Plan Commission and City Council pay reasonable regard to the following when considering a re-zoning:

### The Comprehensive Plan.

*Preliminary Staff Comments:* The Comprehensive Plan has identified the future use of these locations as industrial, though the intensity of the industrial development is not described. The properties are also located within the Woodside/Walesboro character area, which is characterized by industrial development. Therefore, the proposed rezoning is consistent with the Comprehensive Plan.

### The current conditions and the character of current structures and uses in each district.

Preliminary Staff Comments: The areas west of the subject properties have largely been developed for industrial uses, but the areas east and south of the subject properties are primarily farms and large lot single-family residences. Also, the former Walesboro Airport, which is north of the subject properties and currently undeveloped, is zoned I3 (Industrial: Heavy). The proposed rezoning is consistent with the current zoning in the area.

### The most desirable use for which the land in each district is adapted.

Preliminary Staff Comments: The Comprehensive Plan identifies the future use of this land, and the areas north, west, and south, as industrial. The Plan further identifies all land west of County Road 150 West, within the general vicinity of the subject properties, as industrial. The proximity of the I-65 interchange and the capacity of County Road 450 South, which is classified as a principle arterial, make the subject properties appropriate for industrial development.

### The conservation of property values throughout the jurisdiction of the City of Columbus.

Preliminary Staff Comments: The property values of the properties throughout the jurisdiction of the City of Columbus will not be negatively impacted if the proposed rezoning is approved. Due to the size of the properties involved, the proposed rezoning will have little impact on the surrounding neighbors.

### Responsible growth and development.

Preliminary Staff Comments: Rezoning the subject properties to I3 (Industrial: Heavy) represents responsible growth and development. The properties are adjacent to, or included within, an area that is currently being used and developed as an industrial park. The properties are in very close proximity to the I-65 interchange, which is an appropriate location for industrial development. Further, the petitioner wishes to combine one of the subject properties with a parcel that is currently zoned I3, and the other subject property is currently part of a lot that is predominately zoned I3. Therefore, due to the small size of the properties involved in this petition, the rezoning is unlikely to result in a larger or more intense industrial development that what would otherwise be permitted. The rezoning and annexation represent responsible land management as they clarify the zoning and ownership boundary issues on the subject properties.

Current Property Information (5,227 Square Foot Parcel – Rezoning and Annexation):		
Existing Land Use:	sting Land Use: Open Space	
Existing Site Features:	Wooded	
Flood Hazards:	No flood hazards are present on the subject property.	
Special Circumstances: (Airport Hazard Area, Wellfield Protection Area, etc.)	None	
Vehicle Access:	The subject property cannot be accessed by a public street/road.	

Current Property Information (1.60 Acre Area – Rezoning Only):		
Existing Land Use:  The land is currently open space but is the future home of the Cumm Southern Indiana Logistics Center.		
Existing Site Features:	Open Space	

Flood Hazards: No flood hazards exist on the subject property.	
Special Circumstances: (Airport Hazard Area, Wellfield Protection Area, etc.)	None
Vehicle Access:	The subject property can be accessed from County Road 450 South (Suburban, Industrial, Principle Arterial)

Surrounding Zoning and Land Use		
	Zoning:	Land Use:
North:	I3 (Industrial: Heavy)	Columbus Fire Station #6, Faurecia, Walesboro Airport
South:	AP (Agriculture: Preferred)	Single-Family Residential, Agriculture
East:	AP (Agriculture: Preferred)	Single-Family Residential, Agriculture
West:	l3 (Industrial: Heavy)	Industrial (Cummins Midrange Engine Plant)

Zoning District Summary (Existing / Proposed):			
	Existing Zoning: AP	Existing Zoning: I2	Proposed Zoning: I3
Zoning District Intent:	This district is intended to provide an area suitable for agriculture and agriculture-related uses. This district is further intended to preserve the viability of agricultural operations, and limit non-agricultural development in areas with minimal, incompatible infrastructure.	This district is intended to provide locations for general production, assembly, warehousing, research and development facilities, and similar land uses. This district is intended to accommodate most modern industrial production facilities and should be considered as appropriate for most general industrial developments and uses.	This district is intended to provide locations for industrial manufacturing, production, assembly, warehousing, research and development facilities, and similar land uses. This district is intended to accommodate a variety of high intensity industrial uses in locations that minimize land use conflicts and provide the necessary supporting infrastructure.
Permitted Uses:	<ul> <li>Farm (General)</li> <li>Single-Family Dwelling</li> <li>Nature Preserve / Conservation Area</li> </ul>	<ul> <li>Farm (General)</li> <li>Communication Service Exchange</li> <li>Sewage Treatment Plant</li> </ul>	<ul> <li>Farm (General)</li> <li>Communication Service Exchange</li> <li>Sewage Treatment Plant</li> </ul>

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		Utility Substation	Utility Substation
		Water Tower	Water Tower
		Government Facility (Non-Office)	Parking Lot/Garage (as primary use)
		<ul> <li>Parking Lot/Garage (as primary use)</li> </ul>	Police, Fire, or Rescue Station
		Police, Fire, or Rescue Station	Nature Preserve /     Conservation Area
		Nature Preserve / Conservation Area	Conference Center
		Auto-Oriented Uses (medium scale)	Agricultural Products     Processing
		Builder's Supply Store	Agri-Industrial Facility
		Conference Center	Concrete / Asphalt     Production Facility
		Data Processing / Call Center	Contractor's Office /     Workshop
		Contractor's Office / Workshop	Dry Cleaners     (Commercial)
		Dry Cleaners (Commercial)	<ul> <li>Food and Beverage Production</li> </ul>
		Food and Beverage     Production	General Industrial     Production
		<ul> <li>Light Industrial         Assembly and         Distribution     </li> </ul>	<ul> <li>Light Industrial         Assembly and         Distribution     </li> </ul>
		Light Industrial     Processing and     Distribution	<ul> <li>Light Industrial Processing and Distribution</li> </ul>
		Mini-Warehouse Self- Storage Facility	<ul> <li>Research and Development Facility</li> </ul>
		Research and     Development Facility	Truck Freight Terminal
		Truck Freight Terminal	Warehouse and     Distribution Facility
		Warehouse and     Distribution Facility	
Water and Sewer Service:	Not Required	Required	Required

Lot and/or Density Requirements:	Minimum Lot Area:  1 acre or as required to provide two viable septic system sites  Maximum Lot Coverage: Agricultural Structures: none Non-Agricultural Structures: 35%	Minimum Lot Area: 1 acre (43,560 Square Feet) Maximum Lot Coverage: 75%	Minimum Lot Area: 1 acre (43,560 Square Feet) Maximum Lot Coverage: 75%
Setbacks Required: Front setbacks are determined by the Thoroughfare Plan Classification of the adjacent street and are the same regardless of zoning.	Side and Rear Yard Setback:  Agricultural Structure: 30 feet  Primary Structure: 30 feet*  Accessory Structure: 15 feet*  *5 feet on lots of 2 acres or less where the applicable side or rear lot line adjoins a property of 2 acres or less  Front Yard Setback:  Arterial Street or Road: 50 feet  Collector Road (Street): 30 feet (25 feet)  Local Road (Street): 25 feet (10 feet*)  *25 feet for any garage with a vehicle entrance facing the street	Side and Rear Yard Setback: 20 feet Rear Yard Setback: 20 feet Front Yard Setback: Arterial Street or Road: 50 feet Collector Street or Road: 35 feet Local Street or Road: 25 feet	Side Yard Setback: 20 feet Rear Yard Setback: 20 feet Front Yard Setback: Arterial Street or Road: 50 feet Collector Street or Road: 35 feet Local Street or Road: 25 feet
Height Restrictions: Floor Area Requirements:	Primary Structure: Agriculture Structure: None Primary Structure: 40 feet Accessory Structure: 35 feet  Minimum Living Area per Dwelling: 1,000 square feet	Primary Structure: 50 feet Accessory Structure: 40 feet	Primary Structure: 60 feet Accessory Structure: 40 feet

Signs:	Wall Signs: Not permitted Freestanding Signs: Not permitted	are permitted for each public street frontage. The maximum total area for all wall signs cannot exceed 15% of the area of the	Wall Signs: 2 wall signs are permitted for each public street frontage. The maximum total area for all wall signs cannot exceed 15% of the area of the front walls, or 350 square feet, whichever is less.
		Freestanding Signs: 1 freestanding sign is permitted for each public street frontage. The maximum allowed area for each sign is 75 square feet, and the maximum allowed height is 10 feet.	freestanding sign is permitted for each public street frontage. The maximum allowed area for each sign is 75 square

Interdepartmental Review:		
City Engineering:	ng: The annexation will not cause undue burden for engineering services, and rezoning will not significantly impact access or drainage on the site.	
City Utilities:	Assuming that the [5,227 square foot parcel) will be included in with the development of the larger Cummins property to the north and will not require separate service, water and sewer are available on the north side of County Road 450 South and the annexation will have no financial impact on Columbus City Utilities.	
Parks Department:	No comments received.	
MPO:	No comments received.	
Police Department:	No comments received.	
Fire Department:	The Fire Department has no issues with this request.	
Community Development:	No additional Community Development Department services are anticipated as a result of this annexation.	
Redevelopment Commission:	No objection or concerns regarding the proposed rezoning and annexation.	

### History of this Location:

The relevant history of this property includes the following: In April 2014, Cummins received Zoning Compliance Certificate approval to construct a 428,400 square foot warehouse, the Cummins Southern Indiana Logistics Center, on Administrative Lot 1 of the Cummins, Inc – Walesboro Administrative Subdivision. The subject 1.60 acre area is the western most portion of Administrative Lot 1, which is primarily zoned I3 (Industrial: Heavy). This rezoning, to unify the zoning on this property, was required as a condition of that approval.

### Comprehensive Plan Consideration(s):

The Future Land Use Map indicates the future use of this property as industrial.

The following Comprehensive Plan goal(s) and/or policy(ies) apply to this application:

- 1. **GOAL J-4:** Promote continued economic development in this area to provide jobs which will improve the standard of living and provide upward mobility for local residents.
- 2. **POLICY J-4-2:** Encourage the growth in this area to take place in an orderly manner. Where possible, this growth should be contiguous or in close proximity to the existing development in order to facilitate provision of infrastructure and services.

This property is located in the Woodside/Walesboro Area character area. The following Planning Principle(s) apply to this application: Preserve expanses open space throughout the area as new development takes place.

### Planning Consideration(s):

The following general site considerations, planning concepts, and other facts should be considered in the review of this application:

- 1. The petitioner's request involves two separate areas. The petitioner is requesting to annex and rezone one of the areas and only rezone the second.
  - The first request involves a 5,227 square foot (0.12 acre) parcel. This parcel is currently unbuildable and lacks direct access to a public street/road, and the petitioner wishes to combine it with an adjacent, larger parcel to the northwest. This large, adjacent parcel is located within the Columbus city limits, but the 5,227 square foot parcel is not. Therefore, before the two parcels can be combined, the 5,227 square foot parcel must first be annexed into the Columbus city limits. The petitioner is further requesting to rezone this parcel from AP (Agriculture: Preferred) to I3 (Industrial: Heavy) in order to match the zoning of the larger, adjacent parcel.
  - The second request involves the western 1.60 acres of an existing lot (Administrative Lot 1 of the Cummins, Inc – Walesboro Administrative Subdivision). The applicant wishes to rezone the 1.60 acres from I2 (Industrial: General) to I3 (Industrial: Heavy) in order to match the zoning of the remainder of the lot.
- 2. The two properties involved with this request are located approximately 2,000 feet apart.
- 3. In April 2014, Cummins received approval to construct a 428,400 square foot warehouse, the Cummins Southern Indiana Logistics Center, on Administrative Lot 1 of the Cummins Inc Walesboro Administrative Subdivision. The Planning Department is unaware of any future development plans for the 5,227 square foot parcel involved with this request and the adjacent, larger property.

# Property Location & Surrounding Zoning





